

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

XR COMMUNICATIONS, LLC, dba
VIVATO TECHNOLOGIES,

Plaintiff,

v.

AT&T, INC., AT&T SERVICES INC.,
AT&T MOBILITY LLC and AT&T
CORP.,

Defendants,

ERICSSON INC.,

Intervenor.

XR COMMUNICATIONS, LLC, dba
VIVATO TECHNOLOGIES,

Plaintiff,

v.

T-MOBILE USA, INC.,

Defendant,

ERICSSON INC.,

Intervenor.

Case No. 2:23-cv-00202-JRG-RSP
(Lead Case)

JURY TRIAL DEMANDED

Case No. 2:23-cv-00204-JRG-RSP
(Member Case)

**PLAINTIFF XR COMMUNICATIONS, LLC'S ANSWER TO
INTERVENOR ERICSSON INC.'S COUNTERCLAIMS (DKT. NO. 59)**

Plaintiff XR Communications, LLC dba Vivato Technologies (“XR” or “Plaintiff”) hereby answers the Counterclaims of Intervenor Ericsson, Inc. (“Ericsson” or “Intervenor”) (Dkt. No. 59) as follows:

PARTIES

1. Admitted.
2. Admitted.
3. Admitted

JURISDICTION AND VENUE

4. Admitted.
5. Admitted.
6. Plaintiff admits that venue is proper in this district over Plaintiff’s claims and Intervenor’s counterclaims. Except as expressly admitted, Plaintiff denies the allegations of Paragraph 6.

NATURE OF THE ACTION

7. Admitted.
8. Admitted.
9. Plaintiff lacks information or belief to either admit or deny the allegations of Paragraph 9 and denies the allegations on that basis.
10. Plaintiff admits that the allegations of Intervenor’s counterclaims speak for themselves. Except as expressly admitted, Plaintiff denies the allegations of Paragraph 10.
11. Plaintiff admits that the allegations of Intervenor’s counterclaims speak for themselves. Except as expressly admitted, Plaintiff denies the allegations of Paragraph 11.
12. Paragraph 12 of the counterclaims is unintelligible. To the extent a response is required, Plaintiff denies the allegations of Paragraph 12.

First Counterclaim

Declaratory Judgment of Non-Infringement of the ’511 Patent

13. Plaintiff incorporates by reference the responses to the paragraphs above.

14. Plaintiff admits that the allegations of its Complaint speak for themselves. Except as expressly admitted, Plaintiff denies the allegations of Paragraph 14.

15. Admitted.

16. Denied.

17. Admitted.

18. Paragraph 18 is a statement of the relief sought by Intervenor and requires no response. To the extent a response is required, Plaintiff denies the allegations.

Second Counterclaim

Declaratory Judgment of Non-Infringement of the '235 Patent

19. Plaintiff incorporates by reference the responses to the paragraphs above.

20. Plaintiff admits that the allegations of its Complaint speak for themselves. Except as expressly admitted, Plaintiff denies the allegations of Paragraph 20.

21. Admitted.

22. Denied.

23. Admitted.

24. Paragraph 24 is a statement of the relief sought by Intervenor and requires no response. To the extent a response is required, Plaintiff denies the allegations.

Third Counterclaim

Declaratory Judgment of Non-Infringement of the '376 Patent

25. Plaintiff incorporates by reference the responses to the paragraphs above.

26. Plaintiff admits that the allegations of its Complaint speak for themselves. Except as expressly admitted, Plaintiff denies the allegations of Paragraph 26.

27. Admitted.

28. Denied.

29. Admitted.

30. Paragraph 30 is a statement of the relief sought by Intervenor and requires no response. To the extent a response is required, Plaintiff denies the allegations.

Fourth Counterclaim

Declaratory Judgment of Non-Infringement of the '369 Patent

31. Plaintiff incorporates by reference the responses to the paragraphs above.
32. Plaintiff admits that the allegations of its Complaint speak for themselves. Except as expressly admitted, Plaintiff denies the allegations of Paragraph 32.
33. Admitted.
34. Denied.
35. Admitted.
36. Paragraph 36 is a statement of the relief sought by Intervenor and requires no response. To the extent a response is required, Plaintiff denies the allegations.

Fifth Counterclaim

Declaratory Judgment of Non-Infringement of the '939 Patent

37. Plaintiff incorporates by reference the responses to the paragraphs above.
38. Plaintiff admits that the allegations of its Complaint speak for themselves. Except as expressly admitted, Plaintiff denies the allegations of Paragraph 38.
39. Admitted.
40. Denied.
41. Admitted.
42. Paragraph 42 is a statement of the relief sought by Intervenor and requires no response. To the extent a response is required, Plaintiff denies the allegations.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief with respect to Intervenor's counterclaims:

- A. A dismissal with prejudice of Intervenor's counterclaims;
- B. An adjudication that Intervenor is not entitled to any relief on its counterclaims,

including, without limitation, any fine or damages; and

- C. Costs and such further relief to which Plaintiff is entitled, and which the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

Dated: October 16, 2023

Respectfully submitted,

/s/ Reza Mirzaie
Reza Mirzaie

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Attorneys for Plaintiff
*XR Communications, LLC dba Vivato
Communications*

CERTIFICATE OF SERVICE

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served on October 16, 2023 with a copy of this document via the Court's ECF system.

DATED: October 16, 2023

Respectfully submitted,

By: /s/ Paul A. Kroeger
Paul A. Kroeger